



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: B. Arlen Young

Assignee: Adaptec, Inc.

Title: A HARDWARE I/O CONTROL BLOCK STRUCTURE FOR  
MIRRORED AND NON-MIRRORED DATA TRANSFERS (AS  
AMENDED)

Serial No.: 10/779,417

Filed: February 12, 2004

Examiner: Tanh Q. Nguyen

Group Art 2182  
Unit:

Docket No.: ADPT105101

Milpitas, CA

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER PENDING SECOND APPLICATION  
INCLUDING STATEMENT UNDER 37 CFR 3.73(B)**

Sir:

The owner, Adaptec, Inc., a Delaware corporation, having a place of business at 801 South Milpitas Blvd., Milpitas, CA 95035, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/779,416 filed on February 12, 2004, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned.

GUNNISON, McKAY &  
HODGSON, L.L.P.  
Garden West Office Plaza  
Suite 200  
1900 Garden Road  
Monterey, CA 93940  
(831) 655-0880

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SERIAL NO. 10/779,417

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This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) represents that he is a representative empowered to act on behalf of the owner.

The owner states that it is the assignee of the entire right, title, and interest in the instant application by virtue of an Assignment from the inventor(s) of the instant application to Adaptec, Inc. The assignment was recorded in the Patent and Trademark Office at Reel/Frame 012516/0801. The owner states that it is the assignee of the entire right, title, and interest in the pending second application by virtue of an Assignment from the inventor(s) of the pending second application to Adaptec, Inc. The assignment of the pending second application was recorded in the Patent and Trademark Office at Reel/Frame 012516/0801.

I hereby declares that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FEBRUARY 10, 2005

Date



Signature

**Marshall Mohr**

**Vice President and CFO**

**Adaptec, Inc.**